Appln. No. 09/700,474   MAT-8048US
Amendment Dated October 14, 2003
Reply to Final Office Action of August 5, 2003

Remarks/Arguments:

The pending claims are 1-5.

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as anticipated by Microsoft (Microsoft Windows 95 Resource Kit, 1995). The rejection is respectfully traversed.

Claim 1 recites, in part, a "method of creating partitions in a removable device capable of accepting a removable media." The Office Action contends that the title at the top of page 652 of the Microsoft publication supports its position that the Microsoft publication discloses such a method. Applicant respectfully disagrees. The title at the top of page 652 of the Microsoft publication describes a method for "assigning drive letters for removable media." (emphasis added). In contrast, the method described in claim 1 is directed to creating partitions in a removable device, not in a removable media which is accepted by the removable device. That is, page 652 of the Microsoft publication discloses only the assignment of drive letters to a removable media that may be inserted into, and removed from, a device. It does not disclose a method of creating partitions in a removable device.

The publication further supports applicant's interpretation of what the publication discloses and further supports applicant's contention that the publication is directed to creating partitions in removable media, not in a removable device. On page 652, the publication states: "You can use Fdisk for Windows 95 to create partitions on INT 13-based removable media." (emphasis added). On page 653, the publication states: "The MaxRemovableDrivePartition entry in the Registry allocates the drive letters to be used by partitions on removable media." (emphasis added). Page 653 also states that "the number of drive letters to be assigned is based on the number of partitions present on the media when the system starts." (emphasis added). Page 653 also states: " If you insert media with more partitions than specified by the MaxRemovableDrivePartition entry in the Registry, a message warns you that some partitions on the media are not accessible in the current configuration. . . ." (emphasis added). Accordingly, for this reason alone, claim 1 is not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Microsoft (Microsoft Windows 95 Resource Kit, 1995).

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Claim 1 also recites, in part, the step of "allocating drive letters in number equal to a number of plural drives to a single unit of said removable device." Again, this feature recites allocating letters to a removable <u>device</u>. In contrast, the bottom of page 652 describes how to allocate drive letters for removable <u>media</u>. Specifically, the title near the bottom of page 652 states: "To reserve drive letters for removable media." Furthermore, page 653 describes how the drive letters are allocated to partitions on removable <u>media</u>: "The MaxRemovableDrivePartition entry in the Registry allocates the drive <u>letters</u> to be used by partitions on removable <u>media</u>." (emphasis added) Furthermore, page 653 states: "the number of drive <u>letters</u> to be assigned is based on the number of partitions on the <u>media</u> when the system starts." Neither page 652 nor page 653 describe how drive letters are allocated to a removable <u>device</u> as recited in claim 1.

The invention described in claim 1 avoids the problem that drive letters do not correspond to individual partitions in a removable device each time a medium loaded in the removable device is changed. (page 11, lines 19-23). The invention recited in claim 1 enables a computer system to form partitions in the removable device. (page 11, lines 9-16).

There is no disclosure that the method described in the Microsoft publication either solves the problem or solves the problem in the way recited in claim 1.

Invalidity for anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. *Carella v. Starlight Archery and Pro Line Co.*, 804 F.2d 135, 138, 231 USPQ 644, 646 (Fed. Cir. 1986); *RCA Corp. v. Applied Digital Data Systems, Inc.*, 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984). There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

Since the Microsoft publication does not disclose a method of creating partitions in a removable device or allocating drive letters in number equal to a number of plural drives to a single unit of a removable device, claim 1 is not subject to rejection under 35 U.S.C. § 102(b) as anticipated by Microsoft (Microsoft Windows 95 Resource Kit, 1995). Furthermore, since claims 2-5 depend from claim 1, they are also not subject to rejection under 35 U.S.C. § 102(b) as anticipated by.Microsoft (Microsoft Windows 95 Resource Kit, 1995).

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The prior art made of record and not relied upon is not considered any more pertinent to applicant's disclosure than that already cited.

For all of the above reasons, applicant respectfully solicits allowance of the entire application.

Respectfully submitted,

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LEA/kc

Dated: October 14, 2003

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